

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 294

Representatives Denson, Miller, A.

A BILL

To amend section 3313.666 of the Revised Code to 1
modify the definition of school harassment, 2
intimidation, or bullying. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3313.666 of the Revised Code be 4
amended to read as follows: 5

Sec. 3313.666. (A) As used in this section: 6

(1) "Electronic act" means an act committed through the 7
use of a cellular telephone, computer, pager, personal 8
communication device, or other electronic communication device. 9

(2) "Harassment, intimidation, or bullying" means either 10
of the following: 11

(a) Any intentional written, verbal, electronic, or 12
physical act that a student has exhibited toward another 13
particular student more than once and the behavior ~~both~~ either: 14

(i) Causes mental or physical harm to the other student; 15

(ii) Is sufficiently severe, persistent, or pervasive that 16
it creates an intimidating, threatening, or abusive educational 17

environment for the other student.	18
(b) Violence within a dating relationship.	19
(B) The board of education of each city, local, exempted village, and joint vocational school district shall establish a policy prohibiting harassment, intimidation, or bullying. The policy shall be developed in consultation with parents, school employees, school volunteers, students, and community members. The policy shall include the following:	20 21 22 23 24 25
(1) A statement prohibiting harassment, intimidation, or bullying of any student on school property, on a school bus, or at school-sponsored events and expressly providing for the possibility of suspension of a student found responsible for harassment, intimidation, or bullying by an electronic act;	26 27 28 29 30
(2) A definition of harassment, intimidation, or bullying that includes the definition in division (A) of this section;	31 32
(3) A procedure for reporting prohibited incidents;	33
(4) A requirement that school personnel report prohibited incidents of which they are aware to the school principal or other administrator designated by the principal;	34 35 36
(5) A requirement that the custodial parent or guardian of any student involved in a prohibited incident be notified and, to the extent permitted by section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, have access to any written reports pertaining to the prohibited incident;	37 38 39 40 41 42
(6) A procedure for documenting any prohibited incident that is reported;	43 44
(7) A procedure for responding to and investigating any	45

reported incident; 46

(8) A strategy for protecting a victim or other person 47
from new or additional harassment, intimidation, or bullying, 48
and from retaliation following a report, including a means by 49
which a person may report an incident anonymously; 50

(9) A disciplinary procedure for any student guilty of 51
harassment, intimidation, or bullying, which shall not infringe 52
on any student's rights under the first amendment to the 53
Constitution of the United States; 54

(10) A statement prohibiting students from deliberately 55
making false reports of harassment, intimidation, or bullying 56
and a disciplinary procedure for any student responsible for 57
deliberately making a false report of that nature; 58

(11) A requirement that the district administration 59
semiannually provide the president of the district board a 60
written summary of all reported incidents and post the summary 61
on its web site, if the district has a web site, to the extent 62
permitted by section 3319.321 of the Revised Code and the 63
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 64
571, 20 U.S.C. 1232g, as amended. 65

(C) Each board's policy shall appear in any student 66
handbooks, and in any of the publications that set forth the 67
comprehensive rules, procedures, and standards of conduct for 68
schools and students in the district. The policy and an 69
explanation of the seriousness of bullying by electronic means 70
shall be made available to students in the district and to their 71
custodial parents or guardians. Information regarding the policy 72
shall be incorporated into employee training materials. 73

(D) (1) To the extent that state or federal funds are 74

appropriated for this purpose, each board shall require that all 75
students enrolled in the district annually be provided with age- 76
appropriate instruction, as determined by the board, on the 77
board's policy, including a written or verbal discussion of the 78
consequences for violations of the policy. 79

(2) Each board shall require that once each school year a 80
written statement describing the policy and the consequences for 81
violations of the policy be sent to each student's custodial 82
parent or guardian. The statement may be sent with regular 83
student report cards or may be delivered electronically. 84

(E) A school district employee, student, or volunteer 85
shall be individually immune from liability in a civil action 86
for damages arising from reporting an incident in accordance 87
with a policy adopted pursuant to this section if that person 88
reports an incident of harassment, intimidation, or bullying 89
promptly in good faith and in compliance with the procedures as 90
specified in the policy. 91

(F) Except as provided in division (E) of this section, 92
nothing in this section prohibits a victim from seeking redress 93
under any other provision of the Revised Code or common law that 94
may apply. 95

(G) This section does not create a new cause of action or 96
a substantive legal right for any person. 97

(H) Each board shall update the policy adopted under this 98
section to include violence within a dating relationship and 99
harassment, intimidation, or bullying by electronic means. 100

Section 2. That existing section 3313.666 of the Revised 101
Code is hereby repealed. 102